

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

SHUGUANG SUN, INDIVIDUALLY §
and as HEIR OF FAN SUN and LEGAL §
REPRESENTATIVE OF THE ESTATE §
OF FAN SUN; and YILING SUN, §
INDIVIDUALLY and as HEIR OF FAN SUN §
and LEGAL REPRESENTATIVE OF THE §
ESTATE OF FAN SUN, §

Plaintiffs,

$$V_n$$

KING SERVICES, INC., KING §
TRANSPORTATION OF TRUMANN, INC., §
and MICHAEL BAKER, §

Defendants.

CAUSE NO. _____

PLAINTIFFS' ORIGINAL COMPLAINT

Plaintiffs complain of King Services, Inc., King Transportation of Trumann, Inc., and Michael Baker (collectively as “Defendants”) and would respectfully show the Court that:

I.

Jurisdiction and Venue

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1332 because there is more than \$75,000 in controversy and the parties are completely diverse.

2. This claim is maintained under the common law of Texas, the Texas Wrongful Death Act, and the Texas Survival Statute.

3. Venue is proper pursuant to 28 U.S.C. § 1391.

II.

Parties

4. Shuguang Sun resides in the Southern District of Texas. He is the father and heir at law of the deceased, Fan Sun. No administration of the Estate of Fan Sun is necessary and none is pending.

5. Yiling Sun resides in the Southern District of Texas. She is the mother and heir at law of the deceased, Fan Sun. No administration of the Estate of Fan Sun is necessary and none is pending.

6. Defendant King Services, Inc. is a foreign corporation and has its principal place of business in Arkansas. Defendant King Services, Inc. may be served through its registered agent, E.M. Powell, 3303 Main Street, Suite 207, Houston, Texas 77002.

7. Defendant King Transportation of Trumann, Inc. is a foreign corporation and has its principal place of business in Arkansas. Defendant King Transportation of Trumann, Inc. may be served through its registered agent, Mary Jane King, West Speedway Street, Trumann, Arkansas 72472, or at 1509 Woodruff Lane, Trumann, Arkansas 72472, or wherever else she may be found.

8. Defendant Michael Baker is an individual who resides in Arkansas. Defendant Michael Baker may be served at 3154 CR 817, Lake City, Arkansas 72437, or wherever else he may be found.

III.

Factual Allegations

9. Before her life was taken from her, Fan Sun was an amazing young woman with a bright future. She was only eighteen years old, but was already a junior at the University of Texas. She was engaged to be married and was preparing to go to medical school so she could help the sick and injured. Her family and friends loved her dearly. Unfortunately, tragedy struck on or about March 9, 2006.

10. On that date, Michael Baker, a tractor-trailer truck driver in the course and scope of his employment with King Services, Inc. and/or King Transportation of Trumann, Inc., smashed into Fan's car. Fan, her fiancé, and her three best friends all died. Fan suffered tremendously before passing.

11. Defendants were negligent, negligent *per se*, and/or grossly negligent as applicable, for the following reasons:

- a. failure to drive at a safe speed;
- b. failure to maintain proper distance between vehicles;
- c. failure to maintain a proper lookout;
- d. failure to properly supervise their employees;
- e. failure to properly train their employees;
- f. failure to provide adequate safety equipment;
- g. failure to comply with applicable safety regulations, laws, and rules;
- h. failure to properly maintain the tractor-trailer;
- i. failure to properly inspect the tractor-trailer;

- j. failure to properly service the tractor-trailer; and
- k. failure to operate the tractor-trailer in a reasonable and prudent manner.

Further, the King defendants are vicariously liable for their employees' negligence.

12. As a result of Defendants' negligence and gross negligence, Fan Sun suffered horribly and died. Further, Plaintiffs have suffered injury as well. Accordingly, because of Fan Sun's unnecessary and tragic death, Plaintiffs bring this wrongful death action and this survival action to recover damages for:

- a. mental anguish;
- b. pain, suffering, and fear;
- c. loss of companionship;
- d. loss of society;
- e. loss of advice;
- f. loss of counsel;
- g. loss of services;
- h. loss of care;
- i. loss of future income;
- j. loss of inheritance;
- k. funeral expenses; and
- l. all other damages they are entitled to by law or equity.

13. Plaintiffs have been damaged in excess of the minimum jurisdictional limits of this Honorable Court, for which they now sue.

IV.

Prayer

Plaintiffs pray for relief and judgment, as follows:

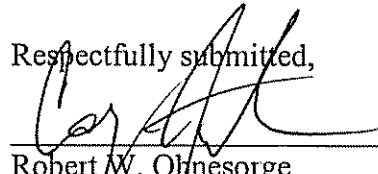
1. Compensatory damages;
2. Actual damages;
3. Consequential damages;
4. Exemplary damages against Defendants;
5. Interest on damages (pre- and post-judgment) in accordance with law;
6. Costs of court; and
7. Such other and further relief, at law or in equity, as this Court may deem just and proper.

V.

Jury Trial Demanded

Plaintiffs hereby demand a trial by jury.

Respectfully submitted,



Robert W. Ohnesorge
State Bar No. 00797171
HARRISON, BETTIS, STAFF,
MCFARLAND & WEEMS, L.L.P.

**ATTORNEY IN CHARGE FOR
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